

LOCAL AGENCY FORMATION COMMISSION COUNTY OF SAN BERNARDINO

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DATE: APRIL 5, 2006

FROM: SAMUEL MARTINEZ, LAFCO Analyst

TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: Agenda Item #8: LAFCO SC#273 – City of San Bernardino
Irrevocable Agreement to Annex No. 2006-03 for Sewer Service

INITIATED BY:

City of San Bernardino, on behalf of property owner/developer

RECOMMENDATION:

1. Certify that SC #273 is statutorily exempt from environmental review and direct the Clerk to file a Notice of Exemption within five days.
2. Approve SC #273 authorizing the City of San Bernardino to extend sewer service outside its boundaries to Assessor Parcel Number (APN) 0267-031-71.
3. Adopt LAFCO Resolution #2917 setting forth the Commission's findings, determinations and approval of the agreement for service outside the City of San Bernardino's boundaries.

BACKGROUND:

The City of San Bernardino has submitted a request for approval of an irrevocable agreement to annex that outlines the terms by which it will extend sewer service outside its boundaries. The agreement relates to a single parcel, which is approximately 0.25 acres, and is generally located on the west side of Duffy Street (3752 Duffy Street) between 2nd Avenue and 3rd Street. The parcel proposed for development is within the City's western sphere of influence within the community known as "Muscoy". Attachment #1 provides a location

and vicinity map of the site along with a map outlining the location of the infrastructure to be extended.

The City has requested that the Commission review and approve the extension of sewer service pursuant to the provisions of Government Code Section 56133. The property owner/developer is currently processing the construction of a single-family residential unit on the parcel through the County. Since the size of the parcel is less than ½ acre, the proposed development is required to connect to the City's sanitary sewer system. Therefore, the County will require the property owner/developer to provide proof of authorization to connect to the City's sewer facilities prior to occupancy. Currently, the property owner/developer has an approved grading plan and is now ready to submit plans in order to pull building permits.

With regard to water service to the proposed development, the parcel previously had a structure on it that received water service from the City. Since the parcel had an established water connection with the City prior to the 1994 statutory requirement for LAFCO review and approval of such agreements, the provision of water service to the parcel is not a part of the application.

The City's application indicates that the parcel will be served through a lateral from the existing 18-inch sewer main in Duffy Street. Pursuant to the Commission's application requirements for service contracts, the City provided an outline of all financial obligations for the extension of service outside its boundaries. The City has indicated that the costs for the extension of sewer service to the parcel are as follows:

Sewer Capacity Fee	\$3,500 per dwelling unit	\$3,500.00
Sewer Connection Fee	\$362.96	\$362.96
TOTAL		\$3,862.96

In addition to the costs outlined above, all improvements required for the construction of the lateral connection to the sewer main will be the responsibility of the property owner/developer. The City of San Bernardino has indicated that there is no rate difference for providing service outside the City's boundaries. Therefore, future occupants of the residential unit will be charged the normal in-City monthly rate for sewer service.

Staff has reviewed this request for the provision of sewer service from the City of San Bernardino outside its corporate boundaries against the criteria established by Commission policy and Government Code Section 56133. The parcel to be served is within the sphere of influence assigned to the City of San Bernardino within the Muscoy community, and is anticipated to become a part of the City sometime in the future. In order for the proposed residential development to proceed, it requires that the property owner/developer receive

sewer service from the City of San Bernardino. Staff supports the City's request for authorization to provide sewer service to the proposed residential development since its facilities are adjacent to the anticipated development, and there is no other existing entity available to provide this service within the area.

FINDINGS:

1. The project area, identified as APN 0267-031-71, is within the sphere of influence assigned the City of San Bernardino and is anticipated to become a part of that City sometime in the future. The parcel will receive its water service from the City of San Bernardino. Since the parcel had an established water connection with the City prior to the 1994 statutory requirement for LAFCO review and approval of such agreements, the provision of water service to the parcel is not a part of the application. Therefore, the application only requests authorization for the receipt of sewer service from the City of San Bernardino.
2. The City of San Bernardino Irrevocable Agreement to Annex No. 2006-03 being considered is for the provision of sewer service to a parcel (APN 0267-031-71) located on the west side of Duffy Street (3752 Duffy Street) between 2nd Avenue and 3rd Street. This contract will remain in force in perpetuity for the proposed development or until such time as the area is annexed. Approval of this application will allow the property owner/developer and the City of San Bernardino to proceed in finalizing the contract for the extension of this service.

The property owner/developer is currently processing the construction of a single-family residential unit on the property through the County's Building and Safety Division. Since the size of the parcel is less than ½ acre, the proposed development is required to connect to the City's sanitary sewer system. Thus, prior to occupancy, the property owner/developer will need to provide proof of authorization to connect to the City's sewer facilities.

3. The fees charged this project by the City of San Bernardino are identified as totaling \$3,862.96 (for a breakdown of charges, see table on page 2). Payment of these fees is required prior to connection to the City's sewer facilities. In addition, all improvements required for the construction of the lateral connection to the sewer main will be the responsibility of the property owner/developer.
4. As the CEQA lead agency, the Commission's Environmental Consultant, Tom Dodson and Associates, has reviewed the service contract submitted by the City of San Bernardino and recommended that this application is

statutorily exempt from environmental review. A copy of Mr. Dodson's response is included as Attachment #3 to this report.

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Attachments:

1. Vicinity Map and Maps of the Contract Area
2. City of San Bernardino's Application and Contract
3. Response from Tom Dodson and Associates
4. Draft Resolution #2917